SINGLE BENCH

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION (C) NO. 6393 OF 2006

PETITIONERS
J.DRS

1. Sanat Kumar, aged 36 years Son of Late Shri Gulabchand Gupta;

2. Ashok Kumar, aged 44 years Son of Late Shri Gulabchand Gupta;

3. Smt. Tara Bai, aged 62 years, Widow of Late Shri Gulabchand Gupta;

All residents of Gunderdehi, Tahil Gunderdehi, District Durg (C.G.).

4. Kishore Kumar, aged 36 years, Son of Late Shri Gulabchand Gupta, Resident of Gunderdehi, Tahil Gunderdehi, District Durg (C.G.).

P.R. No. 6431/06
Presented by Shri P. Tiwari
dated 17-11-06

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VERSUS

RESPONDENTS
D. HOLDER

1. Manoj Kumar, aged 24 years Son of Late Shri Madholal Khandelwala, Resident of Gunderdehi, Tahil Gunderdehi, District Durg (C.G.).

2. Revenue Inspector, Tahsil Gunderdehi, District Durg (C.G.).

OATH COMMISSIONER
APARNA MALVIYA
CG-20/2/98
16/11/06
Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, 1950, ~~FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, ORDER/ORDERS, DIRECTION/DIRECTIONS IN THE NATURE OF CERTIORARI ETC.~~

P. Tiwari

MAY IT TO PLEASE YOUR LORDSHIP

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.(C) No. 6393

मामला क्रमांक ..... **सन्** **2006**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29.11.2006

Shri C.D. Sharma, counsel for the petitioners.

Heard on admission.

Being aggrieved by various orders passed in pending execution proceeding, the petitioners have filed this writ petition under Article 227 of Constitution of India.

It is contended by the petitioners that there was a decree for delivery of possession of the suit house against one Shri Gulab Chand, father of the petitioners and Kishore Kumar and in favour of Smt. Bhagwati Bai and another i.e. the predecessor of the respondent No. 1, in Civil Suit No. 11-A/1983. The aforesaid decree was confirmed in First Appeal No. 3-A/1989 on 1.11.1990. It is stated that against the aforesaid judgment and decree passed in first appeal, a Second Appeal No.175/1991 is pending before the High Court in which the operation of the decree, insofar as it relates to delivery of possession of the suit property, has been stayed until further orders.

Learned counsel for the petitioners submits that during the pendency of this Second Appeal, the aforesaid action has been taken by the Executing Court.

In view of the pendency of this appeal, learned counsel for the petitioners prays for withdrawal of this petition with liberty to raise all these grounds by filing appropriate petition in appeal itself.

Prayer is allowed.

Accordingly, this petition is dismissed as withdrawn with the aforesaid liberty granted in favour of the petitioners.

Sd/-
Sunil Kumar Sinha
Judge

Tumane